

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Willie Bush, Jr. with the Civil Authority,

Plaintiff,

vs.

Owens Corning, et al.,¹

Defendant.

Civil Action No. 1:24-cv-3910-CMC

ORDER

This matter is before the court on Plaintiff's *pro se* Complaint. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), D.S.C., the matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings. On July 17, 2024, the Magistrate Judge entered a Proper Form Order notifying Plaintiff of deficiencies in his Complaint and allowing an opportunity to amend. ECF No. 10. The Proper Form Order was placed in the mail to the address Plaintiff listed on his Complaint, but was returned as undeliverable and unable to forward. ECF No. 12.

On August 13, 2024, the Magistrate Judge issued a Report and Recommendation ("Report") recommending this matter be summarily dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b). ECF No. 14. If Plaintiff notified the court within the time set for filing objections he wished to continue the case and provided a current address, the Report would be vacated. *Id.* at 1. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections

¹ Although Plaintiff listed Defendant as "Owens Corning, et al.," he does not list any other defendants. ECF No. 1 at 2.

to the Report and the serious consequences if he failed to do so. No response has been received, and the deadline has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After review of the record in this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the Report. The court therefore adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff’s Complaint is hereby dismissed with prejudice.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
September 5, 2024